

THE HONORABLE R. STAN BAKER
UNITED STATES DISTRICT JUDGE
SOUTHERN DISTRICT OF GEORGIA

INSTRUCTIONS & PROCEDURES FOR HEARINGS CONDUCTED
BY ELECTRONIC MEANS (VIDEO OR PHONE CONFERENCE)
BEFORE DISTRICT JUDGE R. STAN BAKER



April 1, 2020

These Instructions and Procedures apply in those cases that Judge Baker has entered an Order for Hearing by Electronic Means (video conference (“VTC”) or telephone conference). In accordance with that Order, the parties are directed to read and follow the instructions and procedures contained herein well in advance of any hearing scheduled before District Judge R. Stan Baker. For questions or concerns regarding any information contained herein, please contact Judge Baker’s Courtroom Deputy Clerk (“CRDC”), Pam Hammock, at 912-650-4081 or pam_hammock@gas.uscourts.gov.

I. Defendant’s Statement Regarding Appearance Via Electronic Means

- By the deadline set forth in the Order for Hearing by Electronic Means, Defendant’s counsel must e-file the executed form provided by the Court titled “Defendant’s Statement Regarding Appearance Via Electronic Means.” This form will be attached to the Order for Hearing by Electronic Means and is also available on the Court’s website. Defendant and counsel shall use this form to indicate whether Defendant consents or declines to consent to a hearing by electronic means. **Even if Defendant declines to consent to a hearing by electronic means, Defendant’s counsel must have this form executed and filed indicating that Defendant does not consent to proceed by electronic means.** The form must be filed by the deadline set forth in the Order for Hearing by Electronic Means. When filing the executed form, please use the event in CM/ECF titled “Defendant Statement (VTC Hearing)” located under Criminal Events → Other Filings → Other Documents.

- If the Court has previously scheduled an in person hearing and Defendant timely consents to having the hearing by electronic means, the CRDC will try to schedule a VTC hearing at the same date and time as previously scheduled. However, due to limited resources and strains on current technology, there may be a need to reschedule the hearing for a date when VTC is available. Once a VTC hearing date is confirmed, counsel for the parties will receive an email from the CRDC containing specific instructions and participant information for the video conference &/or telephonic conference. However, please review in advance the sections below containing general instructions for VTC and Telephonic Conferences.

- If the Court has previously scheduled an in person hearing and Defendant does not consent to having the hearing by electronic means, the hearing will be cancelled until such time as Defendant consents or the Court determines that it can safely conduct the hearing in-person.

- If a hearing date and time has not yet been scheduled by the Court and Defendant consents to proceed by electronic means, the CRDC will coordinate an available time for the hearing and will issue a Notice of Hearing in the case. Due to limited resources and strains on current technology, there may be a slight delay in scheduling the VTC hearing. Once a VTC hearing date is confirmed, counsel for the parties will receive an email from the CRDC in advance of the hearing containing specific instructions and participant information for the video conference &/or telephonic conference. However, please

review the sections below containing general instructions for VTC and Telephonic Conferences.

- If a hearing date and time has not yet been scheduled by the Court and Defendant does not consent to having the hearing by electronic means, a hearing will not be scheduled until such time as the Court determines that it can safely conduct the hearing in-person.
- During the time period of the COVID-19 national emergency, should Defendant first decline to proceed by electronic means and later decide to consent to proceed with a hearing by electronic means, counsel for Defendant is directed to file a Motion requesting such a hearing and attaching the executed form entitled “Defendant’s Statement Regarding Appearance Via Electronic Means” provided by the Court.

II. Hearings Conducted Via Electronic Means (Change of Plea, Sentencing, and Final Revocation – Supervised Release)

- All persons granted access to any VTC or Telephonic Conference Hearing will do so remotely. Absent prior approval of the Court, only the presiding judge and any essential court staff will be physically present in the courtroom. All other persons, including attorneys, probation officers, marshals, witnesses, and victims must attend remotely (i.e. by electronic means) to safeguard the health and safety of the hearing participants and the public. If Defendant is detained, through coordination of the United States Marshals Service, Defendant will remotely participate in the hearing from Defendant’s holding facility. If Defendant is on pretrial release, Defendant will remotely participate in the hearing through coordination with Defendant’s counsel.¹
- Persons granted remote access to any VTC or Telephonic Conference Hearing are reminded of the general prohibition against photographing, recording, and rebroadcasting any court proceedings. Violation of these prohibitions may result in sanctions, including contempt proceedings, removal of court issued media credentials, restricted entry to future hearings, denial of entry to future hearings, or any other sanctions deemed necessary by the court. Counsel should adequately advise any witness, victim, family member or other public party that they intend to have present or participate in the hearing of this prohibition.
- With regard to any sentencing hearing held by electronic means, the parties and counsel are to continue to follow the procedures for the restricted electronic filing of presentence investigation reports and related documents in Judge Baker’s criminal cases. www.gasd.uscourts.gov/judge-baker-criminal-cases. Any questions or concerns in that regard should be directed to the CRDC well in advance of any hearing.

¹ Due to the Court’s limited resources and strains on current technology, Defendant’s counsel will not be able to utilize the Court’s VTC or telephonic conference capabilities for attorney-client discussions prior to a hearing. If Defendant is detained, counsel must make arrangements directly with Defendant’s respective holding facility or by contacting the United States Marshals Service. Only if those efforts first prove unsuccessful should counsel contact the CRDC to resolve the issue.

- In advance of any Change of Plea Hearing held by electronic means, it will be the responsibility of the Assistant United States Attorney (“AUSA”) in the case to provide to the CRDC ***fully executed copies*** of the below documents required in anticipation of an entry of a guilty plea in advance of the hearing.²

1. Summary of Plea Agreement
2. Executed Plea Agreement
3. Executed Change of Plea Sheet

- **Should either party anticipate the need to request that a hearing or any portion of a hearing be conducted under seal, counsel for the party must notify the CRDC well in advance of the hearing and *at least 72 hours* prior to a hearing.**

III. Witnesses, Victims and Evidence

- As directed in the Court’s Order, counsel for each party is responsible for making arrangements for the presentation of any witnesses and/or evidence counsel anticipates offering during a hearing by electronic means. Therefore, the attorneys must notify the CRDC well in advance of a hearing and ***at least 72 hours*** prior to a hearing of any anticipated witnesses or evidence. Due to limited resources and strains on current technology, a witness will likely need to attend a VTC hearing with counsel, i.e. any witness will likely need to be in the same physical location as the attorney calling the witness and appearing at the hearing through counsel’s VTC connection; thus, it is imperative that counsel immediately communicate any witness issues or concerns to the CRDC in advance of the hearing.

- It will be the responsibility of the United States Attorney’s Office to notify any victims of any electronic hearings and to make arrangements for any victims desiring to participate in the hearing to do so. As with witnesses, due to limited resources and strains on current technology, a victim desiring to participate in the hearing will likely need to attend a VTC hearing with counsel, i.e. any witness will likely need to be in the same physical location as the AUSA and appearing at the hearing through counsel’s VTC connection; thus, it is imperative that counsel immediately communicate any victim issues or concerns to the CRDC in advance of the hearing.

- Counsel seeking to offer any exhibits during a hearing by electronic means must provide any and all exhibits that counsel *may* use during the hearing to the CRDC ***at least 72 hours*** prior to the hearing. Counsel must mark the exhibits and provide them via email to the CRDC in electronic format prior to the hearing. However, if email is unavailable due to the file type or file size of an exhibit, then the exhibit should be provided using an alternate electronic method (i.e. USAFx, CD-R, or USB Drive). Any questions or concerns regarding the presentation of exhibits should be directed to the CRDC well in advance of any hearing.

² For purposes of these instructions, fully executed copies means: all forms must be fully filled out, and all signatures and dates of all signing parties must be contained in each referenced document.

IV. Video Teleconference (“VTC”) Instructions

- For VTC Hearings, the Court will primarily use NVTCS (“National Video Tele-Conferencing Service”) provided by the Administrative Office of the U.S. Courts when available.
- Where a network connection through NVTCS is available, the CRDC will provide specific information for the secure connection in advance of the hearing and will also provide information regarding Cisco Jabber Video software which is compatible with Windows or Mac and can be used on a computer, laptop or mobile device. Please keep in mind that in order to attend a VTC hearing, each participant will need, at a minimum, a computer equipped with a camera, microphone and speaker to fully participate in the hearing.
- When NVTCS is not available, the Court may elect to use an alternate method for conducting a VTC hearing when available to the Court (i.e. Zoom, GoToMeeting, etc.). The CRDC will provide specific information to the parties in advance of any hearing.

V. Telephonic Conference Instructions

- For Telephonic Conference Hearings, the Court will use its AT&T Reservationless Conferencing line. The CRDC will provide dial-in information for the call which will include a Security Code specific to each and every hearing.
- To avoid disruption during a hearing, call participants should mute the call on their end to avoid background noise and should avoid speaking over other call participants. Additionally, call participants should consider dialing in from a land line phone to avoid connection issues and interference common when using cellular telephones.